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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Summary of the panel discussion on human rights, climate change, migrants and persons displaced across international borders

Report of the Office of the United Nations High Commissioner for Human Rights

Summary

In its resolution 35/20 the Human Rights Council decided to hold an intersessional panel discussion on human rights, climate change, migrants and persons displaced across international borders. The Council also requested the Office of the United Nations High Commissioner for Human Rights to submit a summary report on the panel discussion, held on 6 October 2017, to the appropriate mechanisms sufficiently in advance to ensure that it fed into the stocktaking meeting of the preparatory process leading to the adoption of the global compact for safe, orderly and regular migration and to the work of the Warsaw International Mechanism for Loss and Damage, particularly to the ongoing work of the Task Force on Displacement under the United Nations Framework Convention on Climate Change, and to the Council at its thirty-seventh session. The present report was prepared pursuant to that request.

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I. Introduction

1. On 6 October 2017, the Human Rights Council held, pursuant to its resolution 35/20, an intersessional panel discussion on human rights, climate change, migrants and persons displaced across international borders.[1]

2. The panel discussion was chaired by the President of the Human Rights Council and was opened by the United Nations Deputy High Commissioner for Human Rights, who delivered a statement.

3. The panel discussion provided an opportunity for States, international organizations and other stakeholders to address the relationship between human rights, climate change, migrants and persons displaced across international borders, with a focus on challenges to and opportunities in the promotion, protection and fulfilment of human rights of migrants and persons displaced across international borders in the context of the adverse effects of climate change.

4. The panel began with a keynote address by video message from the Special Representative of the Secretary-General for International Migration. The panellists were the Envoy of the Chair of the Platform on Disaster Displacement, Walter Kaelin; the Executive Director of Greenpeace Africa, Njeri Kabeberi; the National Coordinator of the Kiribati National Youth Association of NGOs, Itinterunga Rae Bainteiti; and the founder of the South American Network for Environmental Migrations (RESAMA), Erika Ramos.

II. Opening session

5. Opening the discussion, the Deputy High Commissioner observed that both sudden-onset events and the slow-onset effects of climate change had a devastating impact on people and the planet. Since 2008, an estimated 22.5 million people per year had been displaced, internally or across borders, by weather or climate-related disasters. Slow-onset processes, such as rising sea levels, the degradation of freshwater resources, erosion desertification, ocean acidification and glacial retreat threatened to cause even more human misery.

6. Climate change disproportionately harmed the poor, children, women, persons with disabilities, indigenous peoples and minorities – the people who had contributed the least to global warming. For example, almost half the population of Bangladesh lived in delta areas, some 78 per cent of the population lived on less than $3.10 a day, and a majority worked in the agricultural sector. People living in such circumstances were exceptionally vulnerable to the effects of climate change, such as extreme weather events, rising sea levels, flooding, erosion and groundwater contamination.

7. The impact of climate change affected the enjoyment of a broad range of human rights by millions of people, including the rights to food, to water and sanitation, to health, and to adequate housing. Migrants that fled the effects of climate change did so not out of choice but out of the need to escape conditions that could not provide for even the most fundamental of their rights. Throughout their migration, they faced xenophobia, difficulty in their access to food, water, health care and housing, and the ever-present threats of arbitrary detention, human trafficking, violent attack, rape and torture, among others.

8. In the Global Migration Group, the Office of the United Nations High Commissioner for Human Rights had been leading efforts to devise a set of principles and guidelines on the protection of the human rights of migrants in vulnerable situations, which would apply to many of those forced to migrate owing to the adverse effects of climate change. Guidelines of this type were necessary to ensure the protection of those who may not qualify for refugee status but that nonetheless require greater protection of their human rights by States. The Deputy High Commissioner emphasized that international human

[1] The full video of the panel discussion is available on the website of UN Web TV (www.webtv.un.org).

rights law did provide for the protection of the fundamental rights and dignity of all people on the move, but that gaps persisted in meeting the protection needs of those fleeing the adverse effects of climate change, particularly those seeking to escape the impact of slow-onset processes.

9. Negotiations on the global compact on safe, orderly and regular migration offered an opportunity for the international community to set in place a migrant-centred, human rights-based and gender-responsive system of global migration governance. The ongoing discussions of the Task Force on Displacement of the Warsaw International Mechanism for Loss and Damage offered a similar opportunity.

10. In closing, the Deputy High Commissioner called for action to address the underlying causes that force people to move in response to climate change. Actions today could destroy or preserve the planet for future generations. The world needed improved disaster risk reduction, strengthened climate change mitigation and adaptation commitments under the Paris Agreement under the United Nations Framework Convention on Climate Change, and enhanced social protection systems. Planned relocations, if necessary, should be voluntary and fully respect human rights obligations. All those compelled to move because of climate change needed effective protection of their human rights without discrimination throughout their migration. According to the Deputy High Commissioner, failure to address climate change and its effects, and to protect the human rights of all migrants was impermissible.

11. In her keynote video message, the Special Representative of the Secretary-General for International Migration highlighted the importance of the New York Declaration for Refugees and Migrants. The Declaration recognized the complexity of the motivations that compel people to move, such as the adverse effects of climate change, natural disasters or other environmental factors. It had initiated a process expected to conclude with the adoption of the global compact for safe, orderly and regular migration in 2018. The present panel discussion would make an important contribution to the formulation of the global compact.

12. According to the Special Representative, even though "migration by choice not necessity" was an appealing mantra, in actual fact migration was the result of a broad spectrum of voluntariness and free choice, and was usually triggered by a variety of complex factors. A key issue for the international community and the global compact was to address fully the protection needs of all those compelled to move by complex factors and to design long-term solutions, particularly when return is not a sustainable option. Furthermore, greater attention should be paid to the issue of gender in the context of migration. Forty-eight percent of migrants were women, and many migrated alone. Women migrants were rights-holders, agents of development and leaders.

13. In concluding, the Special Representative called for a global compact that strengthened international cooperation, addressed the drivers of migration and focused on the promotion, protection and fulfilment of the rights of all migrants, particularly those most vulnerable to the adverse effects of climate change. Such a rights-based, gender responsive approach was achievable if the international community worked together.

III. Panel discussion

14. The President of the Human Rights Council opened the panel discussion and invited the panellists to make their statements.

A. Contribution of panellists

15. The Envoy of the Chair of the Platform on Disaster Displacement, Walter Kaelin, asked the audience to consider the situation of hurricane survivors and residents of low-lying atoll nations. For some of them, migration could be the key to a better life. Sudden-onset disasters, particularly floods and tropical storms, displaced on average some 22.5 million people every year. Others moved because of the effects of slow-onset processes,

such as rising sea levels and desertification. While most displaced persons remained within their own country, some crossed international borders to seek protection and assistance abroad. The overall number of such persons was unknown. For many, international law did not provide a right to admission and stay, which made them vulnerable to exploitation and marginalization. Consultations conducted by the Nansen Initiative on cross-border displacement between 2012 and 2015 showed that human rights had played an important role in protection in at least three contexts.

16. First, human rights provided guidance on the implementation of measures to reduce and manage displacement risks in countries of origin. Factors such as population density, poverty, bad governance and discrimination contributed to the lack of resilience of affected persons to natural hazards. The rights to life, safety and health, among others, suggested a general obligation of States of origin to protect people from the effects of natural hazards by reducing their vulnerability through climate change adaptation and disaster risk reduction. This was an integral part of development efforts made in line with the Sustainable Development Goals. If such efforts failed, States could also be obliged to provide protection through evacuation and planned relocation. Efforts of this type should respect all relevant human rights, including the rights to information and to participate, the rights of women, children and indigenous peoples, and cultural rights. Cooperation between States of origin and States of destination was necessary to facilitate the safe, dignified and regular migration of affected persons to other countries. This could be an important means to adapt to the reality of climate change, for instance where low-lying atoll island States risked becoming permanently uninhabitable by rising sea levels.

17. Second, human rights such as those to food, water, shelter, health and education were particularly important for the protection of affected persons throughout their migration. The rights of affected persons to protection from gender-based and other forms of violence or trafficking, and to have to access humanitarian assistance should be respected, protected and fulfilled regardless of whether they had crossed international borders. Specific efforts were needed to protect the rights of women and children who faced higher risks of harm during migration.

18. Third, human rights-based approaches could help disaster-affected persons to gain admission to and to stay in States of refuge. In exceptional cases, obligations of non-refoulement under international human rights law could impose constraints on the return of persons to States affected by disasters. The Nansen Initiative had identified more than 50 States that had used their discretion to admit persons affected by disasters. This was particularly common in cases where persons were seriously and personally affected by a disaster. While States based their decisions on humanitarian grounds, they took into consideration human rights principles.

19. Mr. Kaelin concluded that, in the absence of specific obligations to admit and not to return persons displaced across borders in the context of the adverse effects of climate change and other disasters, harmonizing and strengthening national approaches was crucial for the protection of such persons. The Human Rights Council had an important role to play in promoting such rights-based approaches.

20. The Executive Director of Greenpeace Africa, Njeri Kabeberi, noted that seven of the 10 States most at risk from climate change were in Africa. Research indicated that Africa was likely to become warmer and drier because of climate change and could expect faster rates of temperature increase than the global average. Climate change would deepen social inequality, because responsibility for climate change and vulnerability to its impact were unequally shared.

21. Ms. Kabeberi described a number of ways that climate change affected people and ecosystems in Africa. The effects of climate change had the potential to exacerbate national security issues and to drive conflicts over limited natural resources, such as arable land or water. Indeed, access to water could be the single biggest cause of conflict and war in Africa in the next 25 years. Furthermore, conflicts prevented populations from engaging in food production, further exacerbating hunger. The cumulative impact of small disasters was also causing grave losses for the poor.

22. Over the past 25 years, weather related disasters had doubled. Africa had a higher mortality rate from droughts than any other region. In 2016 alone, 36 million people faced hunger across southern and eastern Africa. Most Governments had no national agricultural plans, even the though the majority of people were dependent on subsistence farming. The capacity to adapt to climate change was limited. Environmental degradation resulting from industrial agriculture exacerbated the problems posed by climate change. A conversion to agro-ecological systems would keep carbon in the ground, support biodiversity and sustain crop yields and farm livelihoods over time. Ecological farming was a way to fight climate change. Deforestation in the Congo Basin was also a driver of climate change, poverty and species loss. Logging and industrial agriculture threatened the critical ecosystem of the Congo, its biodiversity, and the cultures, homes and livelihoods of local communities and indigenous peoples. As home of the world's largest tropical peatland, the Congo Basin was a critically important and gravely threatened carbon sink.

23. Despite the fact that greenhouse gas emissions in Africa accounted for only 4 per cent of the world's total, Africa was disproportionately affected by the impact of climate change. Efforts to adapt to climate change necessarily included migration, a well-established adaptation response in Africa. More was needed. Climate action should be fair, ambitious and binding. Africa deserved climate justice. Greenpeace Global was working to do its part to save the planet through its A Billion Acts of Courage campaign, aimed at identifying ways for people to coexist sustainably with nature. In concluding, Ms. Kabeberi called for collective courage in addressing climate change.

24. In his remarks, the National Coordinator of the Kiribati National Youth Association of NGOs, Itinterunga Rae Bainteiti, highlighted the differences between the large-scale involuntary movement of people related to conflict and other causes, and movement caused by the current climate change crisis. The continuous consumption of fossil fuels caused climate change leading to rising sea levels and other harmful consequences. Unlike refugees and other groups of people on the move who might hope eventually to return to their homes, some climate-affected persons in the Pacific may no longer have homes to return to after their migration. For some climate-affected persons, migration implied severing ties to all that was important to them. It threatened their human rights, sovereignty, culture, language, identity and well-being.

25. Climate change was the greatest human rights challenge of modern times, particularly for women, young people and children, persons with disabilities and other marginalized groups. Inaction on climate change exacerbated this existential threat to the enjoyment of the right to development by the young and future generations. When changing temperatures and cyclones destroyed food sources, people had to learn to live with less – less water, and fewer local produce. This violated their rights to life, food, water, housing, culture and identity, among others. Relocation because of climate change was a last resort. It required careful planning to ensure the dignity of all involved. The potential for future mass migrations in the Pacific demanded immediate climate action.

26. The Human Rights Council should continue to encourage the adoption of a rights-based, people-centred approach in the context of the United Nations Framework Convention on Climate Change. The framework for resilient development in the Pacific and an integrated approach to address climate change and disaster risk management offered high-level strategic guidance to stakeholders for greater resilience to the effects of climate change and disasters that supported sustainable development. Success required international cooperation in the implementation of nationally determined contributions, and in finalizing the guidelines for the implementation of the Paris Agreement and hosting an inclusive facilitative dialogue. The National Coordinator identified the facilitative dialogue under the presidency of Fiji of the twenty-third Conference of the Parties to the United Nations Framework Convention on Climate Change, implementation guidelines, gender action plans, local communities, and indigenous people's platform, adaptation, and loss and damage as priorities that required international financing and collaboration.

27. The Pacific was home to diverse cultures, healthy forests and oceans. The world could not afford their loss. To prevent irreversible harm, all Member States should address climate change as a human rights issue and fulfil their responsibilities; human survival depended on the decisions and actions taken now. In concluding, the National Coordinator

called for world leaders to commit to building a more just world that would be safe from the ravages of climate change for future generations.

28. In her remarks, the founder of the South American Network for Environmental Migrations, Erika Ramos, described the efforts of the network to give a face and a voice to the human dimension of climate change, disasters and environmental degradation in South America. Environmental migration, both internal and cross-border, was a reality on the American continents. Various regional bodies had highlighted the impact of climate change on human mobility and human rights. The recent hurricanes Irma, Marie and Jose in the Caribbean and North America illustrated these harmful effects.

29. In South America, climate events caused 80 per cent of disasters, which had the greatest impact on the vulnerable and the poor, including indigenous peoples and others whose livelihoods depended directly on a healthy environment. Migration was the option of last resort for most people negatively affected by climate change. There were insufficient regional and national policies and standards to address internal and cross-border movement in the region. Existing initiatives relating to cross-border displacement tended to be national, short-term and emergency-driven. Inadequate data on cross-border displacement caused by climate change and disasters were an obstacle to the development of regional solutions. The absence of measures recognizing and protecting environmental migrants resulted in migration through informal channels, which made the collection of accurate data difficult. This did not, however, stop migration; it only made migration more dangerous, increasing the risk to the human rights of migrants.

30. Ms. Ramos called for an integrated, collective response to environmental migration at the regional and domestic levels. The inter-American human rights system could play a key role in the promotion and protection of human rights for environmental migrants in the Americas through the development of protection standards, monitoring, hearings and other measures. Mechanisms could be developed to allow free movement in the region. Regional consultations could offer technical support and guidance to national Governments and support cooperation among them. Nationally, the systematization and improvement of existing practices, such as humanitarian visas issued by Argentina, Brazil, Ecuador, Peru and the Bolivarian Republic of Venezuela, among others, could be used to extend human rights protections to persons moving because of the adverse effects of climate change. At the vanguard on this issue, the Plurinational State of Bolivia had even specifically included a definition of climate migration in its migratory legislation.

31. In concluding, Ms. Ramos recommended the deployment of measures that could lead to the recognition of environmental migrants, including an index of environmental migration based on a participatory methodology to collect data that also pinpoints displaced communities or those at risk of being displaced; a regional protocol to provide care for persons displaced as a result of climate change; the harmonization of State actions and the activities undertaken by regional bodies; legal indicators to evaluate international guidelines in the domain of human mobility; the integration of climate change and disaster risk reduction in national and regional policies and standards; and the inclusion of environmental migration as a priority for protection bodies.

B. Interactive discussion

32. Interventions were made during the plenary discussion by representatives of Bangladesh, Brazil, the Plurinational State of Bolivia, Egypt, the European Union, Fiji, France, Germany, Haiti, Honduras, Luxembourg, Madagascar, Mexico, the Philippines, South Africa, Uganda, the Bolivarian Republic of Venezuela and Viet Nam.

33. Representatives of the International Organization for Migration, the Office of the United Nations High Commissioner for Refugees, the Centre for International Environmental Law, CIVICUS: World Alliance for Citizen Participation and Earthjustice also took the floor.

34. Speakers agreed that climate change had a negative impact on the enjoyment of a broad range of rights, including the rights to health, life, decent work, food, water and

sanitation, education, housing, development and culture. The negative effects of climate change, such as rising sea levels, droughts, flooding, more frequent extreme weather events, and desertification, were a clear driver of migration and were expected to increase. Migration itself was a multi-faceted and complex issue. Long-term, structural, socioeconomic, environmental and demographic dynamics, and more immediate triggers, such as natural disasters, affected the decision of people to migrate.

35. The panel discussion mandated by the Human Rights Council drew attention to these issues at an opportune moment. Speakers emphasized the importance of the present discussion for relevant processes, such as the negotiations on the global compact for safe, orderly and regular migration and the work of the Warsaw International Mechanism for Loss and Damage under the United Nations Framework Convention on Climate Change. Several also referred to the relevance of the discussion to the negotiations on the global compact on refugees.

36. Speakers agreed that States should fully protect the human rights of all migrants regardless of their status, paying particular attention to the rights of migrants in vulnerable situations, such as children, including unaccompanied and separated children, pregnant and nursing women, indigenous peoples, persons in poor health, older persons, persons with disabilities and the poor.

37. Millions of people were on the move because of climate change, which affected the livelihoods of many subsistence farmers, particularly in developing countries. The poor and most vulnerable often had no choice but to pursue unsafe channels of migration. Such migrants of necessity were among those most vulnerable to the adverse effects of climate change. They faced serious human rights risks. Low-income migrant workers were particularly in need of human rights protection.

38. Some regions and countries were particularly vulnerable to climate change, including the Pacific, Africa, and developing countries, and least developed countries in particular. Those who had contributed the least to climate change were often those most affected. The compliance of developed countries with international commitments to limit global warming, including those relating to technology transfer and funding to developing countries under the principle of common but differentiated responsibilities, was critical for climate change adaptation and justice.

39. Several speakers highlighted the specific protection gaps for persons crossing borders in response to the adverse effects of climate change. International law did not always protect the rights of disaster-displaced persons to gain admission to and stay in a country outside of their own. Still, there were people who, although they did not qualify as refugees under international law, needed international protection of their human rights. Complementary human rights protection mechanisms and temporary protection or stay arrangements could ensure access to international protection. The Nansen Initiative Protection Agenda highlighted relevant standards and guidance.

40. Speakers called for a human rights-based approach to climate change that put the interests of all people, including migrants, at the centre, and ensured that migration was a matter of choice, not necessity. A rights-based approach, which was explicitly called for by the Paris Agreement under the United Nations Framework Convention on Climate Change and the 2030 Agenda for Sustainable Development, was integral to the success of climate action. Human rights law should guide States in designing polices that prevented displacement, protected people during displacement, allowed people to move in dignity and addressed the root causes of climate change. Those affected by climate change should have access to remedy for the harm they experienced. Furthermore, the effective protection of human rights required all States to mitigate climate change and to decarbonize their economy on the basis of equity and the right to development.

41. Speakers also referred to the relationship between climate change and conflict, the issue of internal displacement, anti-migrant xenophobia, the rights of future generations, and the nexus between water, climate and peace. Several also described good practices that protected the rights of migrants negatively affected by climate change. The practices included the issuance of humanitarian visas, social welfare for all persons regardless of their nationality, legal permanent residency for residents of neighbouring low-lying atoll

nations, the development of relocation guidelines for protecting the rights and dignity of those concerned, the Nansen Initiative Protection Agenda and the Platform on Disaster Displacement.

42. Speakers asked the panellists a number of specific questions on, inter alia the protection that the international human rights framework could offer to those affected by climate change; how coordination among existing frameworks could be improved to enhance cooperation between States, civil society and other stakeholders to protect the human rights of migrants adversely affected by climate change; how human rights and climate change considerations could be integrated into the global compact for safe, regular and orderly migration; how the global compact should reflect the linkages between human rights, climate change and migration; how the principle of non-refoulement and the rights of environmental migrants should be protected in the global compact for migration; how disaster-stricken States, particularly those with limited resources, could guarantee human rights protections; what human rights mechanisms could do to promote and protect the human rights of migrants in the context of climate change; the best way to ensure the protection of migrants, especially women and children, who faced greater climate- and migration-related risks; whether the international community should embrace migration as a climate change adaptation policy; whether a right to migrate existed; the kind of mechanism needed to calibrate States' human rights commitments to their climate actions; and ensuring that the rights of all migrants were respected and protected, regardless of their status.

C. Responses and concluding remarks

43. During and after the interactive discussion, the chair gave panellists the opportunity to respond to questions and to make concluding remarks.

44. The envoy of the Chair of the Platform on Disaster Displacement, Mr. Kaelin, called for the global compact for safe, orderly and regular migration to commit to a rights-based approach to address climate change as a driver of migration. There was, for example, a need for the effective participation of affected persons in relocation decisions, including full respect for the right to self-determination of indigenous peoples. The global compact should open pathways for safe, dignified and regular migration for those who had to leave their countries because of the effects of climate change, including loss of territory. States should pledge to use their discretion in migration matters to admit and/or refrain from returning persons displaced across borders because of the adverse effects of climate change. Humanitarian visa and temporary protection measures should be harmonized at the national and regional levels. The global compact and other relevant instruments being developed should draw upon the provisions, norms and principles contained in the 2030 Agenda, the Sendai Framework for Disaster Risk Reduction and the United Nations Framework Convention on Climate Change to ensure a coherent approach to the protection of migrants displaced by the adverse effects of climate change.

45. In his concluding remarks, Mr. Kaelin emphasized the importance of disaster risk reduction to prevent harm to human rights, and called for effective international cooperation, including financial and technical support, in the aftermath of disasters. Delegations should take a consistent approach to human rights, climate change and migration at the sessions of the Human Right Council and in the negotiations on the global compact. The Council could continue to play an important role in addressing climate change and migration by supporting the engagement of special procedures and the universal periodic review mechanism with these issues. Treaty bodies also had a potential role to play.

46. Although the Executive Director of Greenpeace Africa, Ms. Kabeberi, viewed the panel discussion as a good starting point, there was a need to continue and elevate further the discussion in order to arrive at a way forward. The problems caused by climate change required collective action. Human rights organizations and environmental organizations should work together and with all other stakeholders.

47. In many countries in Africa, a lack of good governance has hindered efforts to address climate change. States should be more accountable to the people for their commitments with regard to human rights and climate change. Highlighting the example of Fiji, which offered a safe haven to migrants from Tuvalu and Kiribati, Ms. Kabeberi emphasized that a rights-based approach to climate change and migration was possible. Everybody had a responsibility to act. Respect for human rights and our common humanity could and had to overcome all barriers to critical climate action, including resource constraints.

48. In concluding, Ms. Kabeberi reaffirmed the importance of good governance, sound natural resource management and respect for international law. She referred to the example of the moratorium on logging in the Congo, a measure that the international community and local Governments did not always respect. This had a negative impact on the environment and dependent forest communities, and drove migration and climate change. Sometimes, doing the right thing was as simple as actually following the law and respecting one's fellow human beings.

49. In response to the statements from the public, the National Coordinator of the Kiribati National Youth Association of NGOs, Mr. Bainteiti, emphasized that the world needed leaders of all States to fulfil their commitments with regard to human rights and climate change. This was the only way to avoid fundamental changes to the habitability of the planet, and would affect people for generations to come. The Pacific was home to a number of good practices, including its regional framework for resilience. Multi-stakeholder partnerships involving grass-roots organizations and marginalized groups were essential to address climate change and migration in the Pacific. Young people forced to migrate faced multiple threats to their security, identity and rights. Nevertheless, for many, migration could be the only way forward. The world had to guarantee the protection of those migrants. In concluding, the National Coordinator emphasized the importance of providing space for young people and others to share their perspectives regarding the challenges posed by climate change, and that, ultimately, everybody was responsible for action to counter them.

50. According to the founder of the South American Network for Environmental Migrations, Ms. Ramos, the global compact on migration offered a unique opportunity to protect migrants. Drawing connections between the global compact and other relevant processes would strengthen the compact; for example, the Sendai Framework and the 2030 Agenda featured tools to prevent forced migration that the negotiations on the compact could strengthen by consistently addressing the root causes of migration and protecting the rights of all migrants.

51. Migration was often regional; regional initiatives could therefore play a critical role in protecting people affected by natural disasters and climate change. The South American region had many working groups (in regional and subregional organizations) that addressed disaster displacement. Their efforts were starting to build positive momentum. At the national level, States should make and follow through on the commitments made under the Paris Agreement, to mainstream climate change in migration policy and to consider migration a potential means of climate change adaptation. At the international level, the global compact for migration could be a very important tool. A strong, rights-based global compact would open up possibilities for better protection and better governance for all environmental migrants, including those in South America.

52. Ms. Ramos called for long-term protection solutions for those affected by the adverse effects of climate change. The Inter-American human rights system could play an important role in supporting a rights-based approach by contributing to the discussion of effective protection measures. Affected communities should also be part of the discussion. Protecting rights and finding durable solutions for those affected by climate change required an integrated, inclusive approach. Migrants needed legal and practical actions to protect them throughout the whole cycle of displacement, including when they returned to their countries of origin. To implement all these recommendations and ensure the comprehensive protection of all migrants without discrimination, Ms. Ramos called for a strong global compact.

53. Following the above remarks, the President of the Human Right Council closed the discussion.

IV. Recommendations

54. **During the discussion, speakers made a number of recommendations. Generally, they called for a rights-based approach to climate change and migration, founded on the principles of equality, non-discrimination and common but differentiated responsibility, which put people at its centre. They recommended that the Human Rights Council continue its work on climate change. The Council should contribute to the global compact for safe, orderly and regular migration by promoting recognition of the links between climate change, migration and the enjoyment of human rights.**

55. **Speakers called for the global compact for safe, orderly and regular migration explicitly to recognize climate change as a driver of migration, to integrate relevant human rights considerations, and also to address other migration triggers, such as poverty, inequality, insecurity and natural disasters, and their interrelationships. Disaster risk reduction efforts, climate change mitigation and adaptation, and access to information had to be scaled up. Effective water cooperation, and where applicable, river basin arrangements between riparian countries, should be a priority. Preventive measures, such as improved early warning systems, sustainable development, and planned relocation (as a last resort) should be taken to mitigate the impact of climate change on the enjoyment of human rights. Those affected by climate change should have access to remedies for the harm they experienced.**

56. **Speakers called for the urgent implementation of the Paris Agreement, without backtracking, in a coherent, balanced and fair manner that respected the principle of common but differentiated responsibilities and respective capabilities. To deliver on the promise of the Paris Agreement, parties should ensure full and effective integration of human rights obligations in the guidelines for implementation of the Agreement that were currently under negotiation.**

57. **The progressive realization of human rights across the planet required States to deliver fully on their duty to cooperate internationally. Effective action to address climate change and migration and the successful implementation of the Paris Agreement and the 2030 Agenda for Sustainable Development relied on strengthened international cooperation, including in funding, technology transfer and technical support in accordance with the principle of common but differentiated responsibilities. The international community should strive to promote policy coherence between the migration, disaster risk reduction, human rights and development agendas. International cooperation, particularly to meet the needs of those most vulnerable to the adverse effects of climate change, was urgent. Resource mobilization should support climate change adaptation and mitigation in the States most vulnerable to climate change. Action on climate change should protect the rights of peoples and communities.**

58. **The Warsaw International Mechanism for Loss and Damage under the United Nations Framework Convention on Climate Change required improved institutional arrangements and financing to fulfil its mandate. Loss and damage was about not only the immediate impact of climate change but also its long-term impact on development, the ability of States to promote and protect human rights, and the availability of development assistance following losses related to climate change. Speakers called for the Task Force on Displacement of the Warsaw International Mechanism to integrate human rights into its work plan for 2018. In this regard, the Task Force should consider the report of the Global High-level Panel on Water and Peace. Human rights should be the foundation upon which recommendations can be made, in the present discussion and in other forums, on approaches to avert, minimize and address displacement in the context of climate change.**

59. **Climate change and migration policies and programmes should meet the different needs of vulnerable groups, taking into account the protection of all people, without any discrimination on the grounds of migration status or nationality. This required the recognition of and a commitment to include in migration-related decision-making processes all sectors of society, and particularly those disproportionately affected by climate change, such as persons living in coastal areas, indigenous peoples, minorities, older persons, women and girls, children, and persons with disabilities. Both global compacts under negotiation should guarantee the protection and empowerment of women. It was also critical that persons disproportionately affected by climate change were educated on access to their rights. Education should be part of the core strategy to enable communities to deal with the impact of climate change and related migration.**

60. **Protection gaps in human rights required better research and analysis, particularly in relation to the enjoyment of rights adversely affected by climate change, such as the rights to food, water, housing, health, decent work and cultural heritage. Being a migrant should not hinder access to services, protection measures or humanitarian assistance in the event of natural disasters. Speakers called for specific measures to protect persons at risk of the harm caused by climate change, to promote adaptation to climate change and to establish durable legal status for all those forced to move because of the adverse effects of climate change. There was a need for enhanced coordination of international protection measures.**

61. **There was also a need to clarify and strengthen international environmental law. All migrants were entitled to the effective enjoyment of their human rights regardless of their migratory status; the human rights framework should therefore guide the work of relevant bodies established under the United Nations Framework Convention on Climate Change, including in relation to finance, adaptation and mitigation measures. Human rights mechanisms, including the treaty bodies, should support States in relation to the human rights obligations applicable to climate change, including in the context of extreme weather events and slow-onset processes.**